REMARKS

The Non-final Office Action dated November 2, 2006 has been considered and these remarks are responsive thereto. Claims 1-4, 9, 10, 13, 15, 16, 19, 23-28, 38, and 41 have been amended. Claims 5-8, 11, 12, 14, 17, 18, 22, 39, and 40 have been canceled. No new matter is added. Claims 1-4, 9, 10, 13, 15, 16, 19-21, 23-38, and 41-45 are pending.

Claims 1-4, 9, 10, 13, and 15 were rejected under 35 U.S.C. 102(e) as being anticipated by Pollack (U.S. Patent No. 6,505,236). This rejection is respectfully traversed.

Claim 1, as amended, recites determining at the client of the sender whether the recipient has a corresponding distributed storage separate from the incoming email server. Pollack fails to teach or suggest this feature. Instead, Pollack merely discloses a network-based system that includes a portal that receives email, a stripper that detaches attachments from the email, and a storage device (e.g., a hard drive) that stores the stripped attachment. Col. 4, lines 5-7 and 25-36. Notably, one storage device is used to store any number of users' attachments.

Nowhere does Pollack teach or suggest determining whether a recipient has a corresponding distributed storage. In Pollack's system, a storage is used to store all stripped email attachments without regard to whether a recipient has a corresponding distributed storage. Pollack's system relies on a single storage being present for all users and therefore a determination of whether a user has a distributed storage is not performed.

Also, because Pollack requires that a single storage device be provided for all users, Pollack further requires that a "handle" be inserted into the email in place of the stripped attachment for identifying a location within the storage in which the attachment is stored (see, e.g., col. 5, lines 17-25). The "handle" in Pollack is required because all

attachments are stored in the same storage device, the storage device not being associated with any client. This emphasizes the point that Pollack fails to teach or suggest determining whether a recipient has a distributed storage or not.

In addition, claim 1 recites determining at the client of the sender whether the recipient has a corresponding distributed storage separate. Specifically, the determination is made "at the client of the sender." Pollack fails to teach or suggest this feature. In Pollack, the only action performed at the sender is sending the e-mail. The sender in Pollack does not make any determination at all other than, perhaps, whether to send the email or not. This is unrelated to determining whether the recipient has a corresponding distributed storage or not.

Claim 1, as amended, further recites determining at the client of the sender an availability of the distributed storage based on determining the recipient has a corresponding distributed storage. As set forth above, Pollack fails to teach or suggest determining if the recipient has a corresponding distributed storage.

In addition, Pollack also fails to teach or suggest determining an availability of the distributed storage. Even assuming the Office Action's assertion that the storage device of Pollack corresponds to a "distributed storage" is correct, Pollack still fails to teach or suggest determining the availability of the storage device of Pollack. Rather, in Pollack, all email attachments are stripped from emails and stored in the single storage device without regard to availability of the storage device. In other words, Pollack's system depends on the storage device being always available and therefore no determination is made. Hence, Pollack cannot therefore teach or suggest determining the availability of the storage device.

Furthermore, claim 1 recites that determining availability of the distributed storage is performed "at the client of the sender." As set forth above, the sender in

Pollack only sends an email and performs no other functions, including determining availability of a distributed storage.

Claim 1, as amended, further recites "otherwise, sending the main body of the email and the one or more attachments from the client of the sender to the incoming email server." Pollack fails to teach or suggest this feature. Pollack strips email attachments from all emails and stores all of the stripped attachments in a storage device. The remainder of the email is delivered to the recipient. Under no circumstances does Pollack deliver both the email body AND the attachments to the recipient. In fact, the whole point of Pollack is to strip the attachments from the emails and store the attachments separately. To deliver the attachments and the email to the same destination would be contrary to the Pollack disclosure. Indeed, Pollack understandably fails to teach or suggest this feature.

Therefore, it is respectfully submitted the rejection of claim 1 is improper and should be withdrawn.

Claims 2-4 depend from claim 1 and are allowable for at least the reasons set forth above for claim 1. Withdrawal of the rejection of claims 2-4 is respectfully requested.

Claim 13, as amended, recites transmitting a query to a storage location server and, responsive to the transmitting, if the recipient has a distributed storage for storing email attachments, receiving from the storage location server a network address of the distributed storage. Pollack fails to teach or suggest this feature.

The Office Action asserts that Pollack discloses "a network address of the distributed storage" at col. 4, lines 34-39. However, contrary to the Office Action's assertion, Pollack fails to teach or suggest this feature either at col. 4, lines 34-39 or anywhere else in the reference.

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At col. 4, lines 34-39, Pollack discloses a "typical storage device" that stores stripped email attachments. The stripped attachment is stored within the storage device (e.g., a hard drive , optical drive, etc.) at a particular memory location within the storage device ("Storage device 26 stores stripped attachment 20' under a specific filename 38 at a specific address 40." Col. 4, lines 33-36). Even assuming *arguendo* that the Office Action's assertion that the storage device equates with the distributed storage, Pollack fails to teach or suggest a network address of the storage device. Rather, data is stored within the storage device (that lacks a network address) at a particular memory location within the device.

In fact, as set forth above, Pollack discloses a single storage device that stores all of the email attachment data. Having only one storage device for all of the data is one reason why Pollack fails to teach or suggest a network address of the storage device since all data is stored in the same location. The Office Action has confused a memory location within the hard drive for a network address for the hard drive itself. Indeed, Pollack fails to teach or suggest a network address of the storage device at all and would have no need to provide such a network address.

Claim 13, as amended, further recites receiving periodically a second indication for indicating availability of the distributed storage to receive on or more attachments. Pollack fails to teach or suggest this feature. The Office Action asserts that Pollack discloses this feature at col. 6, lines 39-48 (see Office Action, page 6). However, contrary to the Office Action's assertion, Pollack fails to teach this feature.

At col. 6, lines 39-48, Pollack discloses that an attachment to be stored in the single storage device (e.g., hard drive) is compared to the attachments already stored in the storage device. If the attachment to be stored matches an attachment that is already stored, then the attachment to be stored is not stored. This is done to avoid redundancy of storing multiple copies of the same attachment in the device. However, whether the

hard drive of Pollack contains a duplicate copy of the attachment or not has no bearing on whether the hard drive is available or not. In fact, the hard drive must be available at all times to access the data within in order to perform the comparison between the two attachments. The hard drive of Pollack is always available for accessing data within and therefore, Pollack fails to teach or suggest receiving a second indication for indicating availability of a distributed storage. In fact, as set forth above, Pollack fails to teach or suggest a distributed storage at all.

Therefore, it is respectfully submitted the rejection of claim 13 is improper and should be withdrawn.

Claims 15 and 16 depend from claim 13 and are allowable for at least the reasons set forth above for claim 13. Withdrawal of the rejection of claims 15 and 16 is respectfully requested.

Claims 23-37 and 39-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack in view of Hazan (U.S. Patent No. 6,434,602). This rejection is respectfully traversed.

Claim 23 recites determining accessibility of a distributed storage. As set forth above, Pollack fails to teach or suggest this feature. Hazan fails to cure the deficits of Pollack. Nor does the Office Action assert that Hazan does. The rejection should be withdrawn.

Claim 23 further recites "otherwise retrieving the attachment from an incoming email server." Pollack fails to teach or suggest this feature. Rather, Pollack strips e-mail attachments from all emails and stores the stripped attachments in a storage device that is separate from the remainder of the email. Therefore, even assuming *arguendo* that Pollack retrieves the email attachment, the email attachment must be retrieved from the storage device because the attachment was stored in the storage device. It would be

contrary to the Pollack disclosure to retrieve the attachment at an incoming email server because Pollack always stores attachments in the remote storage device.

Hazan fails to cure the deficits of Pollack. The Office Action cites Hazan for allegedly disclosing peer-to-peer networking. This is unrelated to retrieving email attachments. Hazan fails to teach or suggest claim 23.

Therefore, it is respectfully submitted the rejection of claim 23 is improper and should be withdrawn.

Claims 24-27 depend from claim 23 and are allowable for at least the reasons set forth above for claim 23. Withdrawal of the rejection of claims 24-27 is respectfully requested.

Claim 28 recites determining availability of the distributed storage to receive the one or more attachments. The Office Action asserts that Pollack discloses this feature at col. 6, lines 39-48. As set forth above, Pollack merely discloses matching attachments to previously stored attachments in memory and avoiding redundancy by not storing duplicate copies of attachments when one copy is already stored in memory. This is unrelated to determining availability of a storage device. In fact, Pollack assumes that the storage device is always available to access the data within.

Hazan fails to cure the deficits of Pollack, nor does the Office Action assert that Hazan does. The rejection should be withdrawn.

Therefore, it is respectfully submitted the rejection of claim 28 is improper and should be withdrawn.

Claims 29-34 depend from claim 28 and are allowable for at least the reasons set forth above for claim 28. Withdrawal of the rejection of claims 29-34 is respectfully requested.

Claim 35 recites determining whether the recipient of the email has distributed storage by querying a recipient email distributed storage location server. Pollack fails to

teach or suggest this feature. The Office Action asserts that Pollack discloses this feature at col. 4, lines 25-34 (see Office Action, page 12). However, contrary to the Office Action's assertion, Pollack fails to teach or suggest this feature.

At col. 4, lines 25-34, Pollack discloses stripping attachments from emails and storing the stripped attachments in a storage device. As set forth above, Pollack discloses a single storage device for storing all email attachments. The presence of the single storage device for storing all email attachments (for any number of users) is presumed in the Pollack disclosure. Therefore, it would make no sense in the Pollack disclosure to determine whether a recipient has a distributed storage (the presence of such a storage being a necessary requirement in Pollack and assumed to be present at all times).

Furthermore, Pollack fails to teach or suggest querying a recipient email distributed storage location server to determine whether the recipient has distributed storage. Indeed, nowhere does Pollack query anything at all. Nor would there be any reason to send a query to a server to determine whether a recipient has a distributed storage since the storage device in Pollack is assumed to be present at all times. In fact, the whole point of the Pollack disclosure is to strip the attachment from the email and store it in the storage device. Therefore, the Pollack disclosure would be unable to be performed if there were no storage device.

Hazan fails to cure the deficits of Pollack, nor does the Office Action assert that Hazan does.

Therefore, it is respectfully submitted the rejection of claim 35 is improper and should be withdrawn.

Claims 36 and 37 depend from claim 35 and are allowable for at least the reasons set forth above for claim 35. Withdrawal of the rejection of claims 36 and 37 is respectfully requested.

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Claim 41 recites determining whether a distributed storage for storing email attachments for the user is accessible. As set forth above, Pollack fails to teach or suggest this feature. Hazan fails to cure the deficits of Pollack, nor does the Office Action assert that Hazan does.

Therefore, it is respectfully submitted the rejection of claim 41 is improper and should be withdrawn.

Claims 42-45 depend from claim 41 and are allowable for at least the reasons set forth above for claim 41. Withdrawal of the rejection of claims 42-45 is respectfully requested.

Claims 39 and 40 have been canceled. Withdrawal of the rejection of claims 39 and 40 is respectfully requested.

Claims 19-21 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack and Hazan in view of Shibata (U.S. Patent No. 7,069,332). This rejection is respectfully traversed.

Claims 19 and 38 recite registering a distributed storage of an email user, the registering including storing an identifier of the email user and a corresponding network address of the distributed storage. As set forth above Pollack fails to teach or suggest this feature. Hazan and Shibata, either alone or in combination with Pollack, fail to cure the deficits of Pollack.

The Office Action admits that Pollack fails to teach or suggest registering a distributed storage of an email user but asserts that Shibata (col. 5, lines 15-26) supposedly provides this disclosure. However, contrary to the Office Action's assertion, Shibata fails to provide this disclosure.

Shibata at col. 5, lines 15-26 (and col. 4) discloses receiving a video request at a video server that does not contain the requested video in storage. The video server requests the video from another video server and, if the other video server has the

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requested video, the other video server sends image data of the requested video to the first video server. The first video server then provides the video to the user while storing the video in local storage. Also, the first video server "registers its title .. as a cache." Based on this disclosure, the Office Action asserts that Shibata discloses "registering a distributed storage of an email user."

Clearly, Shibata fails to teach or suggest registering a distributed storage of an email user. Rather, Shibata merely discloses receiving video data, storing the received data in storage, and storing the title of the video in cache. This is unrelated to registering a distributed storage of an email user.

Claims 19 and 38 further recite that registering includes storing an identifier of the email user and a corresponding network address of the distributed storage. Even assuming *arguendo* that storing video data and a title of the video in cache is somehow related or suggestive of registering a distributed storage of an email user as the Office Action asserts, Pollack, Hazan, and Shibata fail to teach or suggest that the storing of video data and video titles includes storing an identifier of the email user and a corresponding network address. In fact, none of the references, either alone or in combination, teach or suggest a network address of the distributed storage (see above).

It is respectfully submitted the rejection is improper. Withdrawal of the rejection of claims 19 and 38 is respectfully requested.

Claims 20 and 21 depend from claim 19 and are allowable for at least the reasons set forth above for claim 19. Withdrawal of the rejection of claims 20 and 21 is respectfully requested.
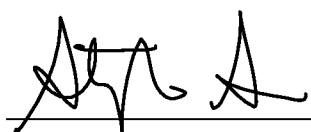
CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicant respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's agent at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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